

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

STAVANGER HOLDINGS, LTD and KARL	)	
ANDERSEN,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. 1:12-cv-0646-WTL-MJD
	)	
TRANEN CAPITAL, LTD; TRANEN	)	
CAPITAL ALTERNATIVE INVESTMENT	)	
FUND, LTD; THE LEO GROUP, LLC;	)	
KENNETH A. LANDGAARD; and ARTHUR	)	
L. BOWEN,	)	
	)	
Defendants.	)	

**RESPONSE TO PLAINTIFFS’ MOTION SEEKING TO MAINTAIN HEARING AND  
TO CONTINUE FREEZE OF LEO GROUP’S BANK ACCOUNT**

Plaintiffs’ premature and defective motion commencing garnishment proceedings is the only reason Leo Group’s accounts with PNC Bank have been frozen. Instead of correcting their admittedly defective filing, the plaintiffs ask this Court to simply release Leo Group’s improperly-frozen funds to the plaintiffs. This Court does not have the authority to do so due to the plaintiffs’ improper filings.

This Court should deny the plaintiffs’ Motion Seeking to Maintain Hearing and to Continue Freeze of Leo Group’s Bank Account, vacate all of its earlier Orders that were entered prematurely as a result of the plaintiffs’ mistakes about what constitutes “entry” of a final judgment, and grant to Leo Group the relief requested in Leo Group’s Motion for Relief from Orders. In support hereof, Leo Group shows the Court:

1. On February 11, 2014, The Leo Group, LLC (“Leo Group”) filed its Motion for Relief from Orders (Dkt. No. 144) wherein it showed that the plaintiffs’ January 30, 2014 motions for proceedings supplemental were premature and defective, and that any Court Orders

entered pursuant to those motions should be vacated. The Court has not yet ruled on Leo's Motion.

2. On March 14, 2014, the plaintiffs filed their revised Motion for Proceedings Supplemental (Dkt. No. 160) and Motion Seeking to Maintain Hearing and to Continue Freeze of Leo Group's Bank Account ("Motion to Maintain") (Dkt. No. 161). The plaintiffs did not, however, file a revised motion commencing garnishment proceedings against PNC Bank.

3. The plaintiffs' revised Motion for Proceedings Supplemental (Dkt. No. 160) concedes that Judgment was entered against Leo on January 17, 2014. *See* Dkt. No. 160, ¶ 1. Consequently, pursuant to Fed. R. Civ. P. 62(a), any proceedings supplemental that were initiated before January 31, 2014, were premature and improper.

4. The plaintiffs' Motion to Maintain concedes that the plaintiffs filed their motion to commence garnishment proceedings against PNC Bank on January 30, 2014. *See* Dkt. No. 161 at 2. *See also* Dkt. No. 125. Thus, pursuant to Fed. R. Civ. P. 62(a), that motion – and the Court Order granting the same and freezing Leo Group's account at PNC Bank – were premature.

5. Plaintiffs' have not re-filed their motion commencing garnishment proceedings against PNC Bank. Thus, Leo's accounts at PNC Bank remain improperly frozen pursuant to a premature Court Order.

6. In their Motion to Maintain, the plaintiffs contend that, even if Leo's assets have been improperly frozen pursuant to a premature order, the Court should still direct PNC Bank to release Leo's funds to the plaintiffs because, according to plaintiffs, "the recovery of \$12,000 is better than nothing."

7. However, this Court does not have the authority to order those funds to be released to plaintiffs. Until the plaintiffs comply with the requirements of the Federal Rules of Civil Procedure and substantive Indiana law, this Court should deny the plaintiffs any relief.

WHEREFORE, Leo Group respectfully requests that the Court deny the plaintiffs' Motion Seeking to Maintain Hearing and to Continue Freeze of Leo Group's Bank Account, vacate all of its earlier Orders that were entered prematurely as a result of the plaintiffs' mistakes about what constitutes "entry" of a final judgment, grant to Leo Group the relief requested in Leo Group's Motion for Relief from Orders, and grant to Leo Group all other just and proper relief.

Respectfully submitted,

/s/ Edward M. Smid

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of March, 2014, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Edward M. Smid

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